

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 13-518

2005 HARLEY DAVIDSON MOTORCYCLE
VIN: 1HD1BWB145Y097735,

Defendant,

and

MANUEL VALENCIA,
LYDIA ULIBARRI,

Claimants.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

JURISDICTION AND VENUE

1. This is a civil action *in rem* for forfeiture of Defendant property which has been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.
2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.
3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.
4. The "res" or property which is the subject of this action consists of 2005 Harley Davidson Motorcycle VIN: 1HD1BWB145Y097735 (hereafter referred to as "Defendant Conveyance").

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Conveyance:
 - (a). Manuel Valencia
 - (b). Lydia Ulibarri.

FACTS

6. The Federal Bureau of Investigation (FBI) conducted an investigation of the Christopher Roybal Drug Trafficking Organization (DTO). The FBI received information that Roybal was selling large quantities of cocaine in the Albuquerque area. The FBI successfully conducted three separate controlled purchases of one kilogram of cocaine, one controlled purchase of eight ounces of cocaine and multi-pound purchases of high-grade marijuana. A Confidential Sources (CS) advised that Roybal was one of the most substantial cocaine dealers in the Northern and Central New Mexico. Roybal had stated that the Roybal DTO was distributing approximately 15 kilograms of cocaine each week together with distributing high-grade marijuana. Roybal also stated that the DTO generated \$60,000 in profits monthly.

7. The following members of the Christopher Roybal DTO distributed controlled substances and collect drug proceeds in and around the North New Mexico: George Roybal, Jonathan Ulibarri, Jairus Granado, Kristen Lucero, Brandy Lucero, Tiana Candelaria, Troy Crawford, Anthony Padilla, Paul Ulibarri, Manuel Valencia and Erick Vigil.

8. On March 5, 2012, an outgoing call was intercepted between Roybal and Manuel Valencia.

Valencia: Hey uh, I uh, I talked to that guy. He said that hopefully on Wednesday he'll be ready to close up there no.

Roybal: Oh, Okay.

Valencia: So he'll have the paperwork ready and uh and hopefully Wednesday they'll have (UI) ready to close up the deal.

Roybal: Nice. What are you up to dude?

Valencia: Nada, I'm getting into town now and picking up a load of hay or for two loads of hay on one truck and then load up the other truck. But I'll stock up right away (UI).

Roybal: Holale.

Valencia: Yeah, so I came an got some loads of hay (UI). I'm probably about an hour away from the, from the weigh station.

Roybal: Oh, okay.

Valencia: (UI) But, uh.

Roybal: I'm gonna go visit my mom and I was gonna, are you, are you gonna be home?

Valencia: Yeah, I'm gonna be home this afternoon (UI). I might (UI) later today but uh call me.

Roybal: Yeah, I'll stop by and say hi dude. See what you're up to.

Valencia: Okay.

Roybal: Alright, bueno.

Valencia: Later.

9. Agents believe that Valencia and Royal were talking about setting up a drug transaction and that the "paperwork" was referring to the money to pay for the load of drugs. Agents also believe that "loads of hay" referred to was marijuana that Valencia had access to and was in the process of distributing.

10. On December 12, 2012, a federal grand jury indicted Christopher Roybal and others for distribution of marijuana and cocaine, money laundering and conspiracy. *See United States v. Christopher Roybal, et.al., 12cr3182 JB.*

11. On December 14, 2012, at approximately 0630, FBI Agents together with agents of the Drug Enforcement Administration (DEA) executed a Federal arrest warrant for Manuel Valencia at 515 A Old National Road, Las Vegas, NM 87701. Valencia's girlfriend, Lydia Ulibarri, was also present. Valencia advised agents there were no other persons at his residence, although there were two firearms, which were seized by the DEA. The FBI seized the defendant conveyance. Valencia claimed that he earned his income through the sale of the horses and the sport of horse roping, and that he and Ulibarri purchased the motorcycle from a seller on "Craigslist" for \$8,000 in cash.

12. Investigation into Valencia's earnings reveal that he has not earned legitimate income since 2007.

13. Investigation into Ulibarri's earnings revealed that she has not earned legitimate income since 2009.

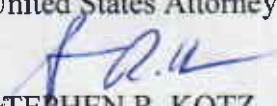
CLAIM FOR RELIEF

14. Defendant Conveyance is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because it was furnished, or intended to be furnished, in exchange for an illegal controlled substance, or constitute proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE: Plaintiff seeks arrest of Defendant Conveyance and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Conveyance, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
United States Attorney

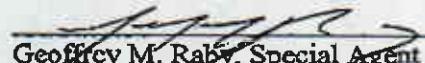

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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Federal Bureau of Investigation n who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 5/30/13


Geoffrey M. Raby, Special Agent
Federal Bureau of Investigation